

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, DECEMBER 6, 2021**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, December 6, 2021. We have in attendance with us the following city officials: Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Economic Development Director, David Maley, Fire Chief, Matt Heck and Income Tax/Budget Director, Lori Kotagides-Boron. Under #5 on the agenda is where the public can speak on any item that appears on tonight's agenda and under #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to remind everyone keep your mics off until you're ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz and Jim Thieret.

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I'd like to make a motion that we excuse Councilwoman Megan Starrett.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Creamer. Roll call.

8 yes to excuse Councilwoman Starrett

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Councilwoman Starrett has been excused.

**2. INVOCATION**

**COUNCILMAN JIM THIERET**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN THIERET**

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilman Thieret. Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

**COUNCIL CLERK ROLLAND** – Yes, they are.

**COUNCIL PRESIDENT ISTNICK** – Are there any corrections or additions to be made?

**COUNCIL CLERK ROLLAND** – No, there are not.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Then the minutes stand as written.

**5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**6. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – I just wanted to recognize and commend the Massillon Tiger football team for a wonderful; a great season for representing the City of Massillon, themselves, their families and their school very well. Unfortunately, the season ended before they would have liked, but they still had a tremendous season and we're proud of them.

**COUNCIL PRESIDENT ISTNICK** – You said that a lot nicer than I would have. Anyone else? People in the gallery, are you having a better time hearing out there?

**JUSTIN RICHARD** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Good.

**7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 175 – 2021**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES, 415 BUILDING DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This we've discussed in Work Session. This is a reclassification of our titles, as it says, for the Building Dept. It does have emergency language and I'd like to have this pass because the person that had the position previously has retired and they have an opening for a replacement. Is there any discussion?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I've heard that there are some people that would like to discuss this a little bit further. If we could just give this a reading and provide them that opportunity to do so?

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Mr. Lewis. I was looking for some direction on that, so, that's what we'll do; give it first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ordinance No. 175 – 2021 has received first reading. Ord. No. 176 – 2021.

**ORDINANCE NO. 176 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance would be used in order for the Fire Dept. to be able to purchase updated life-saving equipment for their EMS services. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 176 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 176 – 2021 has passed. Ord. No. 177 – 2021.

**ORDINANCE NO. 177 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE amending the salary and wage scheduled for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, CLASSIFIED EMPLOYEES, and UNCLASSIFIED EMPLOYEES in the City of Massillon, Ohio, also amending the MISCELLANEOUS SCHEDULE for part-time employees in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 177 – 2021 has received first reading.

**8. UNFINISHED BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – I think at this point; I will discuss Council Chambers. I had Simon Warstler come in with his father. They have a business rebuilding and after much discussion and being the reasonable woman that I am, we're going to leave Chambers as is. There was really no way to do it with everything working around the circular ceiling. I'm now having everyone from the Administration coming up here to speak; I guess we're going to leave it as is. I did have Bill Dewald come in today and look at our sound system. Does it

sound better to anybody? Anyone notice any difference? Are the speakers working out there? I never knew those were speakers. When I sat back there with Mr. Richard and Mr. Bartos I never heard nothing. Did they ever work?

**MARK LOMBARDI** – Yes.

**COUNCIL PRESIDENT ISTNICK** – They're working now. They were not working when I was sitting back there at Committee meetings and it was very hard to hear back there and so, when he came in, we went back there and they weren't working. So, he managed to make the sound less muffled and got the speakers back there working and he's on call if we need him. So, he did a good job.

## **9. PETITIONS AND GENERAL COMMUNICATIONS**

## **10. BILLS, ACCOUNTS AND CLAIMS**

The Repository	-	\$ 285.52	Publication of September Ordinances
Graphic Enterprises	-	54.22	Overage Charge – 08/24/21 to 11/23/21
Corporate Credit Card	-	<u>21.25</u>	Webex Subscription - November
<b>Total</b>	-	<b>\$ 360.99</b>	

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call.

8 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – Thank you. The Clerk will pay the bills and charge them to their proper accounts.

## **11. REPORTS FROM CITY OFFICIALS**

Auditor's - November 2021

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I'd like to make a motion that we accept the Auditor's Report.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call.

8 yes to accept the Auditor's Report

**COUNCIL PRESIDENT ISTNICK** – Thank you. The Auditor's Report has been accepted.

## **12. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, December 13, 2021 at 6:30 p.m. Councilman Lewis.

**COUNCILMAN LEWIS** – I just wanted to take a moment to remind everybody that as we get close to the end of the year, whatever business you have; you may want to reflect on trying to either wrap that up or having it passed on to the next Council in January just so it doesn't surprise anyone. Typically, whatever is left at the end of the year does not necessarily pass on to the newly elected Council.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

### 13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I have asked most of you; I think I hit everybody up tonight and I also spoke with our President about the swearing in of the new Council. It looks like the 27<sup>th</sup> of December works for pretty much everyone. So we will have to secure a judge or another official to be able to do the swearing in. The thoughts are that maybe we would like to have light refreshments like a cookie tray and a beverage or something. For the sake of family and friends that you may want to invite to that. We want to say at, maybe 7:00 p.m. We'll come together at 6:30 p.m. Whatever discussion might have to take place, I don't imagine there will be much, but if there is, that can take place and then we can go ahead and set up and transition into the swearing in ceremony at that time.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – As you know, I will be also sworn in as treasurer. I don't know if it needs to be a separate ceremony or if it can be incorporate in the Council swearing in as well. I'm not sure what has been done in the past.

**COUNCILMAN LEWIS** – I don't see any reason why you couldn't join us and the same would go for the Law Director, as well.

**COUNCILWOMAN LITMAN** – I'll let you know, thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone one else? Okay.

### 14. CALL OF THE CALENDAR

### 15. THIRD READING ORDINANCE AND RESOLUTIONS

**ORDINANCE NO. 158 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. Ultimately, I believe that I'm going to make a motion to table this ordinance just until the 20<sup>th</sup>, so that we can have more discussion on the 13<sup>th</sup> to making sure that we've covered the full budget. I do want to remind anyone if you have some specific questions or concerns, at the very least, please reach out to Ms. Kotagides-Boron so she can

try to get you answers by that time so we can get this passed on the 20<sup>th</sup>. I do know that at the last meeting, we did have a discussion regarding the Law Director's salary. Not that he was trying to do anything. This was not of his knowledge, per se, but there was a 2% or 3% raise given that he would not be awarded yet. He has to wait a little while longer before he would qualify for that. So, we do have to adjust the budget by that amount at least. But before I make that amendment, I felt like maybe we would just table it; we can amend it at the next meeting that way if there are any further amendments, we can just make one amendment instead of having to make multiple amendments if anything else comes through.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. I just wanted to confirm that as that amendment is being made, that \$2,500; we had talked about perhaps just adding to services and contracts. Is that something that would be considered with amendment rather than having to adjust the entire budget?

**COUNCILMAN LEWIS** – Yeah. At this time, I know there was a recommendation given, but without knowing what other possible amendments maybe given or other impacts, I wouldn't want to say yes, that's exactly what happened. But I think that's the conversation we need to have on the 13<sup>th</sup>. So, when the amendment is made, we can clearly say taking here and put to there and just do one clean alteration at that time.

**COUNCILWOMAN LITMAN** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – So, others are getting raises starting in the beginning of the year. Is that all been taken into consideration into the budget?

**COUNCILMAN LEWIS** – Yes. The caveat that the Law Director falls into is that elected officials can't take the pay increase a new term and, technically, the Law Director is fulfilling an unexpired term.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN LEWIS** – So, he wouldn't be able to take that until the Mayor would take hers which would be 2023 or 2024. With all that said, I'd like to make a motion that we table Ord. No. 158 – 2021 until December 20, 2021.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call to table Ord. No. 158 – 2021 until December 20, 2021.

8 yes to table Ord. No. 158 – 2021 until December 20, 2021

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 158 – 2021 has been tabled until December 20, 2021.

## **16. SECOND READING ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 150 – 2021.

**ORDINANCE NO. 150 – 2021****BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Massillon City Health Department to accept a Federal Workforce Development grant from the Stark County Health Department, and declaring an emergency

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Thank you. I seem to recall that this went along side; would this coincide with Ord. No. 168 – 2021, I believe? So, I would not be able to make a decision as to whether or not we want to take this forward for a vote or reading until after discussion of Ord. No. 168 – 2021. So I guess I can do one of two things; we can give it second reading tonight or we can just amend the agenda.

**COUNCIL PRESIDENT ISTNICK** – Isn't this already second reading?

**COUNCILMAN LEWIS** – I'll just give it second reading and we'll finish it up in two weeks. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 150 – 2021 has received second reading. Ord. No. 154 – 2021.

**ORDINANCE NO. 154 – 2021****BY: RULES COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE to terminate the contract for City Engineer services between OHM Advisors and the City of Massillon, Ohio, effective upon the hiring of a full-time City Engineer, no later than June 1, 2022.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 154 – 2021 has received second reading. Ord. No. 163 – 2021.

**ORDINANCE NO. 163 – 2021****BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE repealing Ordinance No. 118 – 2011, which subdivided the City of Massillon, Ohio, into wards and enacting a new Ordinance subdividing the City of Massillon, Ohio, into wards, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis filling in for Councilwoman Starrett.

**COUNCILMAN LEWIS** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 163 – 2021 has received second reading. Ord. No. 168 – 2021.

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES, 705 – 730 HEALTH DEPARTMENT, PART-TIME/TEMPORARY/SEASONAL, and the MISCELLANEOUS SCHEDULE in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This ordinance has been amended for tonight's meeting. It's the first time I've seen that and I'm not sure now, since this coincides, it goes along with ordinance that you just gave second reading to, where we stand on this; if it should get second reading as well.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I gave my second reading because it deals with an appropriation that directly impacts this. So, I felt like it was the cart going before the horse for us to make a decision on Ord. No. 150 – 2021 until Council decides on Ord. No. 168 – 2021. So, I don't know, I can't speak to what Council would want to do with this. I will say that if you did give it second reading, I would like, if possible, that our next agenda have Ord. No. 150 – 2021 after Ord. No. 168 – 2021 so that we don't run into this next time if that's at all possible.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCIL CLERK ROLLAND** – Councilman Gregg, it would need to be amended tonight which would put it at first reading and it would come before the other ordinance.

**COUNCILMAN GREGG** – Right. So it would be in the proper order at that time?

**COUNCIL CLERK ROLLAND** – Right. So, if you amend it tonight per what Chief Counsel gave us to amend it, that takes it back to first reading.

**COUNCILMAN GREGG** – So we need a motion to amend?

**COUNCIL CLERK ROLLAND** – Right.

**COUNCILMAN GREGG** – Alright. I'd like to make a motion to amend Ord. No. 168 – 2021 as described by the memo we received from the Law Dept.

**COUNCIL PRESIDENT ISTNICK** – Seconded by.... Oh, do you want to come up here and speak?

**BILL BARTOS** – Sure.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**BILL BARTOS** – Just wanted to make sure that I got a chance to explain the amendment so that it is clear. It was a simple section that usually appears in ordinances of this type. It got left out of the draft in process. So, Diane and I usually work on these back and forth; we go back in forth between our offices several times every two weeks. Looks like this section was



simply left out of this ordinance and so, as we were preparing the Building Dept. ordinance for this week, we realized the section relating to the repeal of any ordinances or sections of ordinances that were in conflict did not appear in that one. So, we wanted to get that amendment made before it goes forward.

**COUNCIL CLERK ROLLAND** – So, we would have to read the amendment as you have it? Because I didn't send that to everyone.

**BILL BARTOS** – Oh. I guess was understood or you could do it next week and distribute it and then amend it on the 20<sup>th</sup>; take it back to first reading and then pass it that way. I guess that was understood when we discussed it.

**COUNCIL CLERK ROLLAND** – I just gave it to Councilman Gregg.

**BILL BARTOS** – Okay. So, whichever way you prefer. Obviously, it's Council choice.

**COUNCILMAN GREGG** – So, I'd prefer that everybody gets the amendment and can read it. So, with that, second reading.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I would like a copy of that.

**COUNCIL CLERK ROLLAND** – I can forward it to you tomorrow.

**COUNCILWOMAN LITMAN** – That's fine. I'd just like to have a little opportunity to read through it before we discuss it at Work Session.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Before we move into Remarks of Delegations and Citizens on items not on the agenda, we had a young adult out there. Are you here for an assignment? The last group, they were here for over an hour and a half. So, you got lucky. So, you can have anybody sign your papers after this.

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – I just want to mention that I will not be here this coming Monday for Work Session.

**COUNCIL PRESIDENT ISTNICK** – Okay. Anyone else? Councilman Thieret.

**COUNCILMAN THIERET** – I make a motion to adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT